

MOUNTAINTRUE, SIERRA CLUB,
 CENTER FOR BIOLOGICAL
 DIVERSITY, and DEFENDERS OF
 WILDLIFE, *et al.*

 Plaintiffs,

 v.

 UNITED STATES FOREST SERVICE,
 and JAMES MELONAS, in his official
 capacity as Forest Supervisor for the
 National Forests of North Carolina,

 Defendants.

Case 1:25-cv-00091-MR-WCM Document 21 Filed 07/16/25 Page 1 of 4

Defendants inform the Court that the U.S. Department Agriculture issued an interim final rule and request for public comment on the Department's modified regulations implementing the National Environmental Policy Act (NEPA). 90 Fed. Reg. 29,632 (July 3, 2025). The interim final rule revises, moves and republishes, or removes portions of the Department's existing NEPA implementing regulations, as well as adds new portions. *Id.* at 29,632.

The rule rescinds in full the Forest Service's NEPA implementing regulations, 36 C.F.R. Part 220. 90 Fed. Reg. at 29,635. Defendants cited the rescinded regulations in their brief and reply in support of the pending motion to dismiss. Dkt. 15 at 7-8; Dkt. 18 at 4, 10. While agency-specific NEPA implementing regulations have been rescinded, department-level NEPA regulations apply to all subcomponents. 90 Fed. Reg. at 29,635; 7 C.F.R. § 1b.1. A final decision document authorizing a site-specific application of the Forest Plan is still required for all forms of NEPA compliance. 7 C.F.R. § 1b.4(d) (Categorical Exclusions requiring NEPA documentation); *id.* § 1b.6 (Findings of No Significant Impact); *id.* § 1b.8 (Records of Decision).

Respectfully submitted on this 16th day of July, 2025.

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/s/ Gill P. Beck

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CERTIFICATION

Pursuant to the Standing Order of this Court entered June 18, 2024, and published to the Bar of the Western District on June 27, 2024, the undersigned hereby certifies:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg;
2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

Dated this 16th day of July, 2025.

/s/ John P. Tustin
JOHN P. TUSTIN